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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ALASKA

UNITED STATES OF AMERICA,)	Case No. 1:05-cr-0004-3-HRH
)	
Plaintiff,)	UNITED STATES'
)	RESPONSE TO MOTION
vs.)	FOR EVIDENTIARY
)	HEARING
TWILA JO DAVIS,)	
)	
Defendant.)	
)	
)	

COMES NOW, the United States of America, by and through undersigned counsel, and hereby responds to the Court's Order of September 13, 2007, (Docket No. 320) and Twila Jo Davis' motion for evidentiary hearing in this matter. Given the current posture of this matter, the government does not oppose an evidentiary hearing. The government requests that the Court set the

evidentiary hearing in Anchorage, Alaska. The United States expects that the evidentiary hearing will demonstrate that Davis received effective assistance of counsel and, as a consequence, that she has waived her right to collaterally attack her conviction and sentence. Accordingly, following the evidentiary hearing, the United States expects to move the Court to deny and dismiss her Amended Petition.

The United States requests that the Court set the evidentiary hearing on a date after November 12, 2007. This will allow sufficient time for the government to complete its review of the record in this matter and will not conflict with multiple trial obligations of government counsel. Specifically, the undersigned has been in trial in the case of United States v. Kott, 3:07-cr-0056-JWS since September 5, 2007. Trial is expected to continue at least through September 19, 2007. The undersigned is then scheduled to be out of the office for approximately two weeks following completion of the Kott trial, whenever that may be. The undersigned is then scheduled to commence trial in United States v. Kohring, 3:07-cr-00055-JWS on October 22, 2007. That trial is expected to last two weeks.

Following the evidentiary hearing in this matter, the United States will request that the Court set a schedule for additional briefing. Specifically, the government requests that both parties be afforded an opportunity to apply the relevant legal standards to whatever evidence is adduced at the evidentiary hearing. This will assist the Court and the parties following the evidentiary hearing to resolve this matter efficiently.

RESPECTFULLY SUBMITTED this 17th day of September 2007, in
Anchorage, Alaska.

NELSON P. COHEN
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s/ James A. Goeke
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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy
of the United States' Response to Motion
for Evidentiary Hearing was sent to the following
counsel of record on September 17, 2007,
via electronic service: Meredith A. Ahearn

s/ James A. Goeke